

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14-cr-20034
Hon. Matthew F. Leitman

v.

ERRIC DEVOHN WATKINS

Defendant.

/

**ORDER DENYING DEFENDANT'S REQUEST
TO APPOINT COUNSEL (ECF Nos. 101)**

In 2016, this Court sentenced Defendant Erric Devohn Watkins to 180 months in custody in connection with his conviction for being a felon in possession of a firearm. (See Judgment, ECF No. 72.) In 2017, Watkins, filed a motion to vacate his sentence under 28 U.S.C. § 2255. (See Mot. to Vacate, ECF No. 73.) The Court denied that motion, and the Sixth Circuit affirmed that denial. (See Orders, ECF Nos. 95, 98.) Watkins has now requested that the Court appoint counsel for him so that counsel may present a claim for relief on his behalf under *Rehaif v United States*, 139 S.Ct. 2191 (2019). (See Letter Requesting Appointment of Counsel, ECF No. 101.)

The Court declines to appoint counsel at this time because the Court is not yet convinced that Watkins has a colorable claim under *Rehaif*. See *United States v. Hobbs*, 953 F.3d 853 (6th Cir. 2019); *United States v. Ward*, __ F.3d __, 2020 WL 2078983 (6th Cir., April 30, 2020). In addition, because Watkins has already filed a motion under 28 U.S.C. § 2255, it is not clear that he could seek relief under *Rehaif*. See 28 U.S.C. 2255(h).

Accordingly, Watkins' request for appointed counsel is **DENIED**. However, Watkins is not precluded from renewing his request for counsel. In any renewed request, Watkins shall demonstrate (1) how he has a colorable claim under *Rehaif* that warrants the appointment of counsel and (2) why he is not procedurally barred from presenting the claim. If Watkins can successfully make such a showing, the Court would consider appointing counsel for him.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: May 4, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 4, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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